

*File*

STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Norman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

May 16, 1985

CERTIFIED RETURN RECEIPT REQUESTED  
P 402 457 682

Mr. Charles Gent  
Genwal Coal Company  
P O Box 1201  
Huntington, Utah 84527

Dear Mr. Gent:

RE: Proposed Assessment for State Violation No. N84-2-20-6,  
N84-4-14-1, ACT/015/032, Folder #8, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violation. This violation was issued by Division Inspector Sandy Pruitt on September 21, 1985 (N84-2-20-6) and David Lof, on November 2, 1984 (N84-4-14-1). Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information, which was submitted by you or your agent within 15 days of receipt of this notice of violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Ms. Jan Brown, at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will be considered for the final assessment which were not available on the date of the proposed assessment, due to the length of the abatement period. This assessment does not constitute a request for payment.

Sincerely,

Mary Ann Wright  
Assessment Officer

re

Enclosure

cc: D. Griffin, OSM Albuquerque Field Office  
73140

SUMMARY OF PROPOSED ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING  
355 West North Temple 3 Triad Center Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

COMPANY/MINE Genwal/Crandall PERMIT # ACT/015/032

<u>VIOLATION</u>	<u>AMOUNT</u>
<u>N84-4-14-1</u>	<u>3,320</u>
<u>N84-2-20-6</u>	
<u>1</u> OF <u>6</u>	<u>960.</u>
<u>2</u> OF <u>6</u>	<u>vacated</u>
<u>3</u> OF <u>6</u>	<u>1,380</u>
<u>4</u> OF <u>6</u>	<u>1,180</u>
<u>5</u> OF <u>6</u>	<u>840</u>
<u>6</u> OF <u>6</u>	<u>5,000</u>
OF	
OF	

TOTAL ASSESSED FINE      \$ 12,680

0056Q

WORKSHEET FOR ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall NOV # N84-4-14-1  
PERMIT # ACT/015/032 VIOLATION 1 OF 1

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,  
which fall within 1 year of today's date?

ASSESSMENT DATE May 15, 1985 EFFECTIVE ONE YEAR DATE May 16, 1984

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N84-2-9-2</u>	<u>3-30-85</u>	<u>2</u>	<u>N84-2-21-1</u>	<u>"</u>	<u>1</u>
<u>N84-2-14-1</u>	<u>"</u>	<u>1</u>	<u>C84-2-2-1</u>	<u>"</u>	<u>5</u>
<u>C84-2-1-1</u>	<u>"</u>	<u>5</u>	<u>N84-2-19-1</u>	<u>"</u>	<u>1</u>
<u>N84-2-16-1</u>	<u>"</u>	<u>1</u>	<u>N83-2-14-1</u>	<u>4-20-85</u>	<u>1</u>
<u>N84-2-17-1</u>	<u>"</u>	<u>1</u>	<u>N84-2-3-1</u>	<u>9-14-84</u>	<u>1</u>
<u>N84-2-4-1</u>	<u>9-14-84</u>	<u>1</u>			

1 point for each past violation, up to one year  
5 points for each past violation in a CO, up to one year  
No pending notices shall be counted

TOTAL HISTORY POINTS 20

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? event

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Water Pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, pond was not built to specification. Because of this pond did not operate correctly. Oil and grease dumped into pond left it without treatment. Water entered fishery. Assessed as occurred.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 23

PROVIDE AN EXPLANATION OF POINTS Damage off site to fishery due to im-  
properly built pond. Discharge for 20 hours of 13.7 mg/l oil and grease.  
(A maximum allowable is 10 mg/l). Brook and brown trout were spawning or  
about to spawn.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? \_\_\_\_\_

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_

TOTAL SERIOUSNESS POINTS (A or B) 43

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;  
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;  
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 10

PROVIDE AN EXPLANATION OF POINTS A lack of diligence is assessed in not  
building pond so that the principal spillway operates properly.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

## Easy Abatement Situation

Immediate Compliance -11 to -20\*  
 (Immediately following the issuance of the NOV)  
 Rapid Compliance -1 to -10\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance 0  
 (Operator complied within the abatement period required)

\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

## Difficult Abatement Situation

Rapid Compliance -11 to -20\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance -1 to -10\*  
 (Operator complied within the abatement period required)  
 Extended Compliance 0  
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? easy ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS Operator given from November 2-16, 1984 to abate (reconstruct). Operator called November 19, 1985 to say work had been done November 16, 1985. Assessed as normal compliance.

V. ASSESSMENT SUMMARY FOR N84-4-14-1

I. TOTAL HISTORY POINTS	<u>20</u>
II. TOTAL SERIOUSNESS POINTS	<u>43</u>
III. TOTAL NEGLIGENCE POINTS	<u>10</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>
TOTAL ASSESSED POINTS	<u>73</u>
TOTAL ASSESSED FINE	<u>\$ 3,320</u>

*Mary Ann Wright*

ASSESSMENT DATE May 15, 1985 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT                      FINAL ASSESSMENT

WORKSHEET FOR ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall CanyonNOV # N84-2-20-6 \*PERMIT # ACT/015/032VIOLATION 1 OF 6

\* # 2 of 6 Vacated

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,  
which fall within 1 year of today's date?

ASSESSMENT DATE 5-15-85 EFFECTIVE ONE YEAR DATE 5-16-84

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
N84-2-9-2	3-30-85	2	N84-2-21-1	"	1
N84-2-14-1	"	1	C84-2-2-1	"	5
C84-2-1-1	"	5	N84-2-19-1	"	1
N84-2-16-1	"	1	N83-2-14-1	4-20-85	1
N84-2-17-1	"	1	N84-2-3-1	9-14-84	1
N84-2-4-1	9-14-84	1			

1 point for each past violation, up to one year  
5 points for each past violation in a CO, up to one year  
No pending notices shall be counted

TOTAL HISTORY POINTS 20II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? EventA. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Loss of reclamation potential/water pollution

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 3

PROVIDE AN EXPLANATION OF POINTS Failure to protect topsoil from water erosion and contaminants. Per inspector's statement, any loss of revegetation potential is unlikely by the small extent of topsoil loss evident. Some sediment left the area but it was not expected that a problem was caused to the stream.

3. Would or did the damage or impact remain within the exploration or permit area? No

	<u>RANGE</u>	<u>MID-POINT</u>
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 8

PROVIDE AN EXPLANATION OF POINTS Damage would have extended off the permit area if left unchecked. Little actual damage occurred.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? \_\_\_\_\_

	<u>RANGE</u>	<u>MID-POINT</u>
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_

TOTAL SERIOUSNESS POINTS (A or B) 11

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;  
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;  
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

	<u>0</u>	<u>MID-POINT</u>
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Great degree of fault

ASSIGN NEGLIGENCE POINTS 18

PROVIDE AN EXPLANATION OF POINTS Per inspector, N84-2-9-2, #1 was issued on June 25, 1984 for the exact same problem. Operator has been noticed prior to realign and replace strawbales as they age and saturate.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

## Easy Abatement Situation

Immediate Compliance -11 to -20\*  
 (Immediately following the issuance of the NOV)  
 Rapid Compliance -1 to -10\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance 0  
 (Operator complied within the abatement period required)

\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

## Difficult Abatement Situation

Rapid Compliance -11 to -20\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance -1 to -10\*  
 (Operator complied within the abatement period required)  
 Extended Compliance 0  
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? \_\_\_\_\_ ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS Per inspector, no good faith was warranted due to the granting of an extension to complete the work.

V. ASSESSMENT SUMMARY FOR N84-2-20-6, #1

I. TOTAL HISTORY POINTS	<u>20</u>
II. TOTAL SERIOUSNESS POINTS	<u>11</u>
III. TOTAL NEGLIGENCE POINTS	<u>18</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>

TOTAL ASSESSED POINTS 49

TOTAL ASSESSED FINE \$ 960

*Mary Ann Wright*

ASSESSMENT DATE May 15, 1985 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT \_\_\_\_\_ FINAL ASSESSMENT



WORKSHEET FOR ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon NOV # N84-2-20-6  
PERMIT # ACT/015/032 VIOLATION 3 OF 6

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,  
which fall within 1 year of today's date?

ASSESSMENT DATE 5-15-85 EFFECTIVE ONE YEAR DATE 5-16-84

<u>N84-2-9-2</u>	<u>3-30-85</u>	<u>2</u>	<u>N84-2-21-1</u>	<u>"</u>	<u>1</u>
<u>N84-2-14-1</u>	<u>"</u>	<u>1</u>	<u>C84-2-2-1</u>	<u>"</u>	<u>5</u>
<u>C84-2-1-1</u>	<u>"</u>	<u>5</u>	<u>N84-2-19-1</u>	<u>"</u>	<u>1</u>
<u>N84-2-16-1</u>	<u>"</u>	<u>1</u>	<u>N83-2-14-1</u>	<u>4-20-85</u>	<u>1</u>
<u>N84-2-17-1</u>	<u>"</u>	<u>1</u>	<u>N84-2-3-1</u>	<u>9-14-84</u>	<u>1</u>
<u>N84-2-4-1</u>	<u>9-14-84</u>	<u>1</u>			

PREVIOUS VIOLATIONS EFF.DATE PTS PREVIOUS VIOLATIONS EFF.DATE PTS  
1 point for each past violation, up to one year  
5 points for each past violation in a CO, up to one year  
No pending notices shall be counted  
TOTAL HISTORY POINTS 20

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Environmental Harm/Water Pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 13

PROVIDE AN EXPLANATION OF POINTS The events as listed are considered likely to occur under the ground conditions existing at the time of the NOV. Five (5) areas identified as failure to maintain sediment control.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 12

PROVIDE AN EXPLANATION OF POINTS Damage would have extended offsite. Oil, grease and coal fines would have entered Crandall Creek. Assessed down since no actual damage was apparent.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? \_\_\_\_\_

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_

TOTAL SERIOUSNESS POINTS (A or B) 25

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;  
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;  
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 15

PROVIDE AN EXPLANATION OF POINTS Assessed upward since one of the five areas had been issued on three months prior.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

## Easy Abatement Situation

Immediate Compliance -11 to -20\*  
 (Immediately following the issuance of the NOV)  
 Rapid Compliance -1 to -10\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance 0  
 (Operator complied within the abatement period required)

\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

## Difficult Abatement Situation

Rapid Compliance -11 to -20\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance -1 to -10\*  
 (Operator complied within the abatement period required)  
 Extended Compliance 0  
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? \_\_\_\_\_ ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS Per inspector, no good faith warranted.  
As of October 3, 1984 no work had been done and situation had worsened.  
Abatement due by October 5, 1984. NOV was terminated October 9, 1984.

V. ASSESSMENT SUMMARY FOR N84-2-20-6, #3

I. TOTAL HISTORY POINTS	<u>20</u>
II. TOTAL SERIOUSNESS POINTS	<u>25</u>
III. TOTAL NEGLIGENCE POINTS	<u>15</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>
 TOTAL ASSESSED POINTS	 <u>60</u>
 TOTAL ASSESSED FINE	 <u>1380.</u>

*Mary Ann Wright*

ASSESSMENT DATE May 15, 1985 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT \_\_\_\_\_ FINAL ASSESSMENT

WORKSHEET FOR ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon NOV # N84-2-20-6  
 PERMIT # ACT/015/032 VIOLATION 4 OF 6

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,  
which fall within 1 year of today's date?

ASSESSMENT DATE <u>5-15-85</u>			EFFECTIVE ONE YEAR DATE <u>5-16-84</u>		
<u>N84-2-9-2</u>	<u>3-30-85</u>	<u>2</u>	<u>N84-2-21-1</u>	<u>"</u>	<u>1</u>
<u>N84-2-14-1</u>	<u>"</u>	<u>1</u>	<u>C84-2-2-1</u>	<u>"</u>	<u>5</u>
<u>C84-2-1-1</u>	<u>"</u>	<u>5</u>	<u>N84-2-19-1</u>	<u>"</u>	<u>1</u>
<u>N84-2-16-1</u>	<u>"</u>	<u>1</u>	<u>N83-2-14-1</u>	<u>4-20-85</u>	<u>1</u>
<u>N84-2-17-1</u>	<u>"</u>	<u>1</u>	<u>N84-2-3-1</u>	<u>9-14-84</u>	<u>1</u>
<u>N84-2-4-1</u>	<u>9-14-84</u>	<u>1</u>			

PREVIOUS VIOLATIONS EFF.DATE PTS      PREVIOUS VIOLATIONS EFF.DATE PTS  
 1 point for each past violation, up to one year  
 5 points for each past violation in a CO, up to one year  
 No pending notices shall be counted  
 TOTAL HISTORY POINTS 20

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? hindrance

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? \_\_\_\_\_
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? actual

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS 17

PROVIDE AN EXPLANATION OF POINTS Per inspector, failure to monitor for baseline water data hindered DOGM from accurately determining if the mining activity is adversely affecting the hydrologic balance. Assessed downward for not hindering entire inspection.

TOTAL SERIOUSNESS POINTS (A or B) 17

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;  
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;  
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater degree of fault

ASSIGN NEGLIGENCE POINTS 18

PROVIDE AN EXPLANATION OF POINTS Operator was reminded of requirement to monitor in a October 5, 1983 letter and on September 29 & 30, 1983 verbally as well as at other times.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

## Easy Abatement Situation

Immediate Compliance -11 to -20\*  
 (Immediately following the issuance of the NOV)  
 Rapid Compliance -1 to -10\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance 0  
 (Operator complied within the abatement period required)

\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

## Difficult Abatement Situation

Rapid Compliance -11 to -20\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance -1 to -10\*  
 (Operator complied within the abatement period required)  
 Extended Compliance 0  
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS -

PROVIDE AN EXPLANATION OF POINTS Per inspector's information good faith does not appear applicable due to extension beyond the 90 days. According to file documentation, this NOV is not yet terminated.

VI. ASSESSMENT SUMMARY FOR		N84-2-20-6 #4
I. TOTAL HISTORY POINTS		<u>20</u>
II. TOTAL SERIOUSNESS POINTS		<u>17</u>
III. TOTAL NEGLIGENCE POINTS		<u>18</u>
IV. TOTAL GOOD FAITH POINTS		<u>-</u>
TOTAL ASSESSED POINTS		<u>55</u>
TOTAL ASSESSED FINE		<u>\$ 1180</u>

*Mary Ann Wright*

ASSESSMENT DATE May 15, 1985 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT

\_\_\_\_ FINAL ASSESSMENT



3. Would or did the damage or impact remain within the exploration or permit area? \_\_\_\_\_

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? actual

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS 18

PROVIDE AN EXPLANATION OF POINTS Per inspector, not having adequate baseline data for four (4) months prevented her from assessing the effects of the operation on the water quality. This did not hinder the entire inspection.

TOTAL SERIOUSNESS POINTS (A or B) \_\_\_\_\_

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;  
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;  
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater degree of fault.

ASSIGN NEGLIGENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS Per inspector, the operator was cited for the same problem two months prior.



IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO  
-EASY ABATEMENT

## Easy Abatement Situation

Immediate Compliance -11 to -20\*  
(Immediately following the issuance of the NOV)  
Rapid Compliance -1 to -10\*  
(Permittee used diligence to abate the violation)  
Normal Compliance 0  
(Operator complied within the abatement period required)

\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO -  
DIFFICULT ABATEMENT SITUATION

## Difficult Abatement Situation

Rapid Compliance -11 to -20\*  
(Permittee used diligence to abate the violation)  
Normal Compliance -1 to -10\*  
(Operator complied within the abatement period required)  
Extended Compliance 0  
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? difficult ASSIGN GOOD FAITH POINTS -12

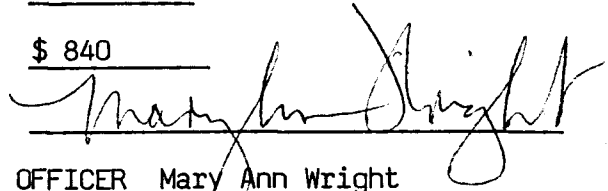
PROVIDE AN EXPLANATION OF POINTS Operator demonstrated diligence by attempting to have reserved samples reanalyzed. Operator took new samples and had analyzed by the seventh day of the nine day period allowed.

V. ASSESSMENT SUMMARY FOR N84-2-20-6 #5

I. TOTAL HISTORY POINTS	<u>20</u>
II. TOTAL SERIOUSNESS POINTS	<u>18</u>
III. TOTAL NEGLIGENCE POINTS	<u>20</u>
IV. TOTAL GOOD FAITH POINTS	<u>-12</u>

TOTAL ASSESSED POINTS 46

TOTAL ASSESSED FINE \$ 840



ASSESSMENT DATE May 13, 1985 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT                      FINAL ASSESSMENT

WORKSHEET FOR ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon NOV # N84-2-20-6  
 PERMIT # ACT/015/032 VIOLATION 6 OF 6

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,  
which fall within 1 year of today's date?

ASSESSMENT DATE \_\_\_\_\_ EFFECTIVE ONE YEAR DATE \_\_\_\_\_

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N84-2-9-2</u>	<u>3-30-85</u>	<u>2</u>	<u>N84-2-21-1</u>	<u>"</u>	<u>1</u>
<u>N84-2-14-1</u>	<u>"</u>	<u>1</u>	<u>C84-2-2-1</u>	<u>"</u>	<u>5</u>
<u>C84-2-1-1</u>	<u>"</u>	<u>5</u>	<u>N84-2-19-1</u>	<u>"</u>	<u>1</u>
<u>N84-2-16-1</u>	<u>"</u>	<u>1</u>	<u>N83-2-14-1</u>	<u>4-20-85</u>	<u>1</u>
<u>N84-2-17-1</u>	<u>"</u>	<u>1</u>	<u>N84-2-3-1</u>	<u>9-14-84</u>	<u>1</u>
<u>N84-2-4-1</u>	<u>9-14-84</u>	<u>1</u>			

1 point for each past violation, up to one year

5 points for each past violation in a CO, up to one year

No pending notices shall be counted

TOTAL HISTORY POINTS 20

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Water Pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS Assessed as occurred. Per inspector's statement, oil was released from the generator into the sediment pond. The sediment pond has discharged intermittently since then. Oil impedes the settling of fines, thus the discharge is black. Discharge was into a fishery at spawning time.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 24

PROVIDE AN EXPLANATION OF POINTS Actual extent of damage to fish spawning is unknown. An impact of 200 feet of visible sludge has been made by this event.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? \_\_\_\_\_

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_

TOTAL SERIOUSNESS POINTS (A or B) 44

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;  
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;  
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater degree of fault

ASSIGN NEGLIGENCE POINTS 28

PROVIDE AN EXPLANATION OF POINTS Considered reckless behavior to release used oil into the sediment pond. This same problem was also cited previously in NOV N83-2-11-1.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

## Easy Abatement Situation

Immediate Compliance -11 to -20\*  
 (Immediately following the issuance of the NOV)  
 Rapid Compliance -1 to -10\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance 0  
 (Operator complied within the abatement period required)

\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

## Difficult Abatement Situation

Rapid Compliance -11 to -20\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance -1 to -10\*  
 (Operator complied within the abatement period required)  
 Extended Compliance 0  
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? \_\_\_\_\_ ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS An extension granted the operator and the lack of diligence in trying to fix the situation does not warrant good faith.

V. ASSESSMENT SUMMARY FOR N84-2-20-6 #6

I. TOTAL HISTORY POINTS	<u>20</u>
II. TOTAL SERIOUSNESS POINTS	<u>44</u>
III. TOTAL NEGLIGENCE POINTS	<u>28</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>
TOTAL ASSESSED POINTS	<u>92</u>
TOTAL ASSESSED FINE	<u>\$5000</u>

*Mary Ann Wright*

ASSESSMENT DATE May 15, 1985 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT \_\_\_\_\_ FINAL ASSESSMENT